HEARING SUMMARY FORM # 1011-18

Hearing:

December 11, 2018 11:00 Location: RTCC; 600 Jefferson Time
Attended by: Joshua Dodson 13317, Michael Williams 5702, Michael Jackson 10147, LTC D. McNeil 5603 Hearing Officer: D/C D. Crowe 1585
Statement of Hearing Officer: On Tuesday, December 11, 2018 at 11:00 an Administrative Hearing for PII Joshua Dodson 13317 regarding SOC 1011-18. PII Dodson was charged with Violation of DR 301 Excessive Force/Unnecessary Force, DR 107 Courtesy, and DR 101 Compliance with Regulations; Commanding Officer Notification. See Page 2 for continuation
Action Ordered: DR 107 Courtesy- Written Reprimand DR 101 Compliance with Regulations: 3 day suspension without pay (SWOP) DR 301 Excessive Force/Unnecessary Force: 10 Day SWOP and Remedial Training
Hearing Officer Any employee holding a position not exempted from the provisions of Article 34 Civil Service, and not in the initial probationary period, who has been suspended in excess of ten, (10) days, terminated, or demoted, may appeal to the Civil Service Commission within ten, (10) calendar days after notification in writing of such action. In the event of multiple suspensions, only that suspension which causes the total number of days suspended to exceed five, (5) days within a six month period, and any subsequent suspension within said period shall be appeal able to the Commission. If the disciplinary action is 10 days or less, the officer may submit to a grievance procedure or an internal appeal, but not to both
In addition Chapter I Section 5 page 4 states in part: "Commissioned police officers with a status of suspension, probation, non-enforcement, relieved of duty, or leave of absence are not permitted to engage in any Secondary Employment and/or any Off Duty Security Employment where the officer's status is dependant on his/her state commissioned status. No commissioned police officer is permitted to engage in any Secondary Employment and/or Off duty Security Employment for a period of thirty (30) days after the final disposition of (1) any sustained Statement of Charges for violation of the Sick Abuse policy or (2) any sustained Statement of Charges resulting in a suspension and/or reduction in rank" Notification will be made to the Secondary Employment Office regarding this suspension. Violation of the above listed policy could result in additional charges.
Appeal: Will Will Not Be Filed
Grievance: Will X Will Not Be Filed
I understand that by requesting the grievance procedure that I am waiving my right to recourse through the Internal or Civil Service Commission Appeal Process. 12 1 20 8 Employee Signature
Distribution: MPD Human Resources, Branch Commander/Division Commander, Precinct

SOC 1011-18 Statement of Hearing Officer Continued

D/C Crowe asked a series of questions to PII Dodson. PII Dodson was asked about the Use of Force Continuum. All levels of the Use of Force Continuum were discussed, PII Dodson said when the suspect swatted his hand away, he punched him one time. PII Dodson said he got hyped up and cursed, then he calmed down. PII Dodson did not call a supervisor. Before the shift ended, PII Dodson completed a Response to Resistance in Blue Team. PII Dodson said the ASP Baton did not touch the suspect.

Michael Williams asked to address some of the questions. He stressed the cursing was for control; not to degrade. The Use of Force Continuum was discussed again.

At 11: 50 PII Dodson, Michael Williams, and Michael Jackson were asked to step outside the office. LTC McNeil and D/C Crowe watched the BWC evidence from PII Dodson and PII Beard. It was watched in full speed and slow motion. It was discussed at length. Policy and Procedure were discussed at length.

Based upon the evidence available and the Administrative Hearing, D/C Crowe concluded the following. PII Dodson used profanity for purposes other than to gain control of the suspect. PII Dodson's use of a closed fist to strike the suspect and his use of the ASP baton were unnecessary. PII Dodson failed to notify and lieutenant when it was required by Policy and Procedure.

At 12:15 PII Dodson, Michael Williams, and Michael Jackson were called back to the office. PII Dodson was told the following decisions were made.

DR 107 Courtesy:

Sustained

DR 101 Compliance with Regulations Command Notification:

Sustained

DR 301 Excessive Force/Unnecessary Force:

Sustained

PII Dodson's disciplinary resume was reviewed. In 2017 PII Dodson was charged with violation of DR 101 Compliance with Regulations. PII Dodson received a written reprimand. PII Dodson explained this was for turning off his BWC on the scene of a call.

The following corrective action was ordered.

DR 107 Courtesy:

DR 101 Compliance with Regulations:

DR 301 Excessive Force/Unnecessary Force:

Written Reprimand

3 Day Suspension without Pay (SWOP) 10 Day SWOP and Remedial Use of Force

Training

ADMINISTRATIVE SUMMONS

MEMPHIS POLICE DEPARTMENT

DATE: October 22, 2018

VS.

Joshua Dodson, PII, Airways-D, 13317 NAME, RANK, ASSIGNMENT, IBM#

I. <u>ALLEGATION</u> On October 2, 2018 Officer Dodson was checking a male who was walking in the middle of the street of Davant and McMillian. Officer Dodson confronted the male after he arrived on the sidewalk and struck him with a close fist while yelling profanity at him. He also put his Asp Baton in the male's mouth. Officer Dodson did not notify a supervisor while he was on the scene about the incident.

II. RULES, REGULATIONS, OR ORDERS VIOLATED

DR	301	Exces
DR	107	Court

Excessive Force / Unnecessary Force

 $DR \overline{101}$

Compliance with Regulations: Commanding Officers Notifications

Date: 12/12/1

Place: RTCC, DC. Crowe

Time: HEAD HURS

You are entitled to representation during this hearing.

SERVED BY: Dorce K She Hear, Maix AWS-C, 3/58

DATE: 12/7/18

TIME: 1555 hours

SERVICE REFUSED:

SIGNATURE OF OFFICER:

#13317

YOUR ATTENDANCE AT THE HEARING NOTICED HEREIN IS REQUIRED, UNLESS EXCUSED DUE TO A MEDICAL EMERGENCY. FAILURE TO ATTEND WILL BE CONSTRUED BY THE HEARING OFFICER AS A WAIVER OF YOUR RIGHT TO BE HEARD. ATTENDANCE WILL BE EXCUSED DUE TO A MEDICAL EMERGENCY AT THE SOLE DISCRETION OF THE HEARING OFFICER AND ONLY IF YOU HAVE DELIVERED OR CAUSED TO BE DELIVERED TO THE HEARING OFFICER, PRIOR TO THE HEARING DATE, A WRITTEN STATEMENT OF MEDICAL CONDITION PREPARED AND SIGNED BY YOUR TREATING PHYSICIAN, DESCRIBING YOUR MEDICAL CONDITION AND ADVISING THAT YOU ARE NOT ABLE TO ATTEND THE HEARING AS A RESULT OF SAID CONDITION.

MEMPHIS POLICE DEPARTMENT STATEMENT OF CHARGES

1011-18 PDR

					120
Joshua Dodso Name/ Rank	on PII	13317 Employee #		October 22, 2018 Date	
Airways - D s Assignment Notice is here below:		ou are being char	ged with violation(s)	of Policy, Law, o	r Regulations as shown
DR DR DR	301 107 101	Compliance with	h Regulations: Comm	nanding Officers N	Day Swcp and Remedial Training Notifications - Switned: 30a
Date of Occur	rence: October	3,2018 First Ret	Swop Day 12- urn to Work 11:	14-18 Swop 2/19 12-14,	5 King a suspicious person
walking in the comply. After Within second the suspect undid this even wyou in violation use force or vi	e middle of East you pulled you ds you grabbed to der arrest and u when the suspections of D.R 301 iolence that is up	t Davant near Mon or squad car over the suspects' shirt used your Asp Bat of advised you his Excessive Force	Millian. You ordered the suspect then got of and struck him in the ton in an attempt to promouth was swollen of a / Unnecessary Force or not required during the structure.	If the suspect out of onto the sidewalk of the mouth with a clearly open this mouth the to dental surgester which states in parts.	f the street, but he did not where you confronted him. osed fist. You then placed h to look for drugs. You ery. Your actions placed part "Officer shall never
after you place member shall	ed him under an be courteous, ci	rest. Your action ivil, and respectful	ns place you in viola al in his conduct and r	tion of D.R. 107 on the common of the common towards all	the suspect before and Courtesy which states "A l persons. Prisoners and ridiculed or taunted."
a supervisor m Officer Notific requesting a Su should be mad Resistance For incident prior t with Regulation	cations: Officer upervisor to a so the to the dispatch m will be computed to the completions: Commandia	Which is dictated Responsibility stacene with regard a ther. Section D ad bleted by the officion of the shift." Ying Officer Notifi	in Policy and Proced ates: "All sworn ment to the following circu- vises "Incidents when her and signed by the four actions placed y	ure, Chapter 1, Senbers have the dutumstance or event. The a suspect resists supervisor called to u in violation of "Disciplinary actions"	An initial notification arrest. A Response to to the scene of the f D.R 101 Compliance on may be taken for, but
The Officer's disciplinary resume will be Reviewed and become part of this file					
Written Respon	nse Ordered:		ī	spring Officer	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Yes	☐ No		/ -	Sharging Officer	oupu#532191
				0 0	

I acknowledge receipt of this notice and understand that further investigation may result in additional charges, amendment of the above charges, or dismissal of these charges. I further understand that a written response to these charges at this time is at my discretion unless specifically instructed to file same by the issuing officer.

No 1/9/18
No 1/9/18

Was officer relieved of duty?

Reviewed by:

Deputy Director

Dep. Chief

Work Station Commander

Delegated to:

Major/Lt. Colonel Colonel

Revised 3/11/08